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Attorneys for Defendants
City of Walnut Creek; Walnut Creek Police Sergeant Ryan
Hibbs; Walnut Creek Police Officer Lee Herrington; Walnut
Creek Police Officer Adams; and Walnut Creek Police Officer
Ashley Roskos

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL ALFRED SINCERNY,

Plaintiff,

vs.

City of Walnut Creek; Walnut Creek Police
Department; Walnut Creek Police Sergeant
Ryan Hibbs; Walnut Creek Police Officer
Lee Herrington; Walnut Creek Police
Officer Brookshire; Walnut Creek Police
Officer Adams; Walnut Creek Police
Officer Ashley Roskos; Walnut Creek
Police Officer Njoroge; Walnut Creek
Police Officer Steve Bertolozzi; Walnut
Creek Police Detective Kim Gerstner;
Walnut Creek Police Officer Scott
Moorhouse; Walnut Creek Police Chief
Tom Chaplin, Rachel Melia Smith and
DOES 1-20,

Defendants.

Case No. C17-02616 HSG

**STIPULATION AND ORDER
CONTINUING THE ADR DEADLINE TO
DATE FOLLOWING THE RULING ON
DEFENDANTS' RULE 12 MOTION TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action,
through their respective counsel of record, as follows:

WHEREAS the parties have agreed to and the Court has ordered that the parties attend an

1 Early Neutral Evaluation (“ENE”) in this matter.

2 WHEREAS the deadline to complete the ENE passed on December 27, 2017, without the
3 parties being able to complete the ENE, due to Defendants’ filing, and the Court’s subsequent
4 granting (with leave to amend) of Defendants Motion to Dismiss portions of Plaintiff’s
5 Complaint.

6 WHEREAS Plaintiff did not file a First Amended Complaint (“FAC”) in this action until
7 December 28, 2017.

8 WHEREAS Defendants subsequently filed a Motion to Dismiss portions of Plaintiff’s
9 FAC which is not set to be heard until March 29, 2018. Assuming the Court issues an Order on
10 the Motion soon after that hearing the parties believe they can attend an ENE by no later than
11 April 30, 2018. Per the Scheduling Order in this matter (ECF-38) there is currently a fact
12 discovery deadline on June 4, 2018, and an expert discovery deadline on July 28, 2018. The
13 parties may need to seek to continue some of these deadlines.

14 WHEREFORE good cause has been shown to continue the ADR deadline to complete the
15 ENE by no later than April 30, 2018.

16 We hereby attest that concurrence in the filing of these documents has been obtained from
17 each of the other Signatories, which shall serve in lieu of their signatures on the document.

18
19 Dated: January 23, 2018

HELBRAUN LAW FIRM

20
21 By: /s/ Helbraun, David M
22 David M. Helbraun
23 Attorneys for Plaintiff

24 Dated: January 23, 2018

MCNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP

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26 By: /s/ Blechman, Noah G.
27 Noah G. Blechman
28 Attorneys for Defendants

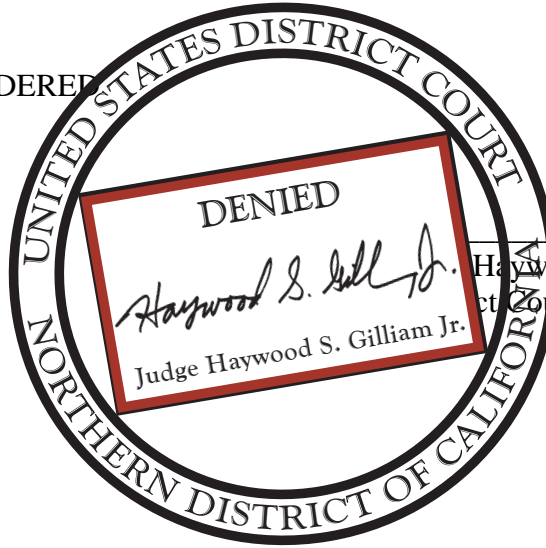
ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED AS FOLLOWS:

The parties are ordered to complete an Early Neutral Evaluation in this matter by no later than April 30, 2018.

IT IS SO ORDERED.

Dated: 1/24/2018



Haywood S. Gilliam, Jr.
District Court Judge